



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 11, 1995

Ms. Emily E. Helm  
Director of Legal Services  
Texas Youth Commission  
P.O. Box 4260  
Austin, Texas 78765

OR95-1391

Dear Ms. Helm:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 30480.

The Texas Youth Commission (the "commission") has received two unrelated requests for information relating to two children in the commission's custody. Specifically, the requestors seek records pertaining to the commission's investigations into allegations of child abuse in two separate commission facilities. You have refused to comply with either of the requests, contending that the requested information is made confidential by sections 51.14(b) and 34.08 of the Family Code and is therefore excepted from public disclosure pursuant to section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 34.08 was repealed by the Seventy-Fourth Legislature and will be codified at section 261.201 of the Family Code.<sup>1</sup> This Family Code provision now reads in pertinent part as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

<sup>1</sup>See Act of April 6, 1995, 74th Leg., R.S., ch. 20, § 1, 1995 Tex. Sess. Law Serv. 113, 262 (Vernon); Act of May 26, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (Vernon).

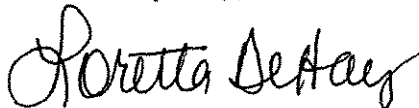
(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

*See Act of May 26, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (Vernon). The requested information consists of "reports, records, communications, and working papers" used or developed in investigations made under chapter 261 of the Family Code. You state that pursuant to commission policy, "if the investigation concerns abuse or neglect, and upon receiving notice of closure of the investigation from the youth rights administrator, the superintendent forwards a written summary of the investigation findings and conclusions, omitting identifying names, to the parents." Furthermore, you state that you will release such a report to the parents once the investigation is closed. The requested records are therefore confidential pursuant to section 261.201 of the Family Code, except for any information the commission intends to release to the parents once the investigation has concluded.<sup>2</sup>*

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/RWP/rho

Ref.: ID# 30480

Enclosures: Submitted documents

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<sup>2</sup>We note, however, that a parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect may be entitled, at least, to view the records of the investigation done by the Texas Department of Protective and Regulatory Services. *See Act of May 25, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (to be codified at Fam. Code § 261.201).*